

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VITUS GROUP, LLC; VITUS
DEVELOPMENT IV, LLC; RIVERWOOD
TOWNHOMES, INC.; RIVERWOOD
HOUSING PARTNERS, LP; GREEN
MEADOWS HOUSING MANAGEMENT,
LLC; GREEN MEADOWS HOUSING
PARTNERS, LP; WESTLAKE LINWOOD
HOUSING PARTNERS, LP; WESTLAKE
LINWOOD HOUSING MANAGEMENT
LLC; PINES HOUSING PARTNERS LP; and
HILTON HEAD HOUSING PARTNERS LP,

Plaintiffs,

v.

ADMIRAL INSURANCE COMPANY,

Defendant.

No. 2:24-cv-00282-RAJ

ORDER

This matter comes before the Court on Plaintiffs' Unopposed Motion to File their First Amended Complaint, Opposition to Defendant's Motion to Dismiss, and Supporting Declaration of Suyash Agrawal Under Seal. Dkt. # 30. The instant matter stems from an insurance dispute between Plaintiffs Vitus Group, LLC, Vitus Development IV, LLC, Riverwood Housing Partners, LP, Green Meadows Housing Management, LLC, Green
ORDER – 1

1 Meadows Housing Partners, LP, Westlake Linwood Housing Partners, LP, Westlake
2 Linwood Housing Management, LLC, Pines Housing Partners, LP, and Hilton Head
3 Housing Partners, LP (collectively “Vitus”) and Defendant Admiral Insurance Company
4 (“Admiral”). Plaintiffs are the insureds under primary liability insurance policies
5 purchased from Admiral. Dkt. # 31 (First Amended Complaint) ¶ 1.2. Plaintiffs allege
6 that Admiral has, over Plaintiffs’ opposition, accepted policy-limit settlement demands in
7 connection with several alleged shootings that have occurred on housing complexes
8 owned by Plaintiffs. *Id.* ¶ 1.3. According to Plaintiffs, Admiral’s actions are premature
9 and have exposed Vitus to liability in connection with the underlying alleged shootings.
10 *Id.* ¶ 1.5. Plaintiffs filed their complaint in King County Superior Court, and Admiral
11 then removed the matter to federal court. Dkt. # 1, 1-2. Admiral has filed to dismiss or
12 stay this action in favor of two interpleader lawsuits that Admiral filed in Georgia. Dkt. #
13 14. Vitus opposes Admiral’s motion. Dkt. # 34. Plaintiffs have moved to remand the
14 matter to King County Superior Court. Dkt. # 36.

15 Plaintiffs now seek to seal the First Amended Complaint (Dkt. # 32) and file a
16 redacted version (Dkt. # 31) and to seal its Opposition to Admiral’s Motion to Dismiss or
17 Stay (Dkt. # 34) and the accompanying Declaration of Suyash Agrawal ISO Plaintiff’s
18 Opposition and supporting exhibits (Dkt. # 35). Dkt. # 30. Admiral does not oppose this
19 request.

20 In the Western District of Washington, “there is a strong presumption of public
21 access to the court’s files.” Western District of Washington Local Civil Rule (“LCR”)
22 5(g). “Only in rare circumstances should a party file a motion, opposition, or reply under
23 seal.” LCR 5(g)(5). Normally the moving party must include “a specific statement of the
24 applicable legal standard and the reasons for keeping a document under seal, with
25 evidentiary support from declarations where necessary.” LCR 5(g)(3)(B).

26 Under LCR 5(g), when a party files a stipulated motion to seal a document, the
27 party must certify that all parties have conferred in an attempt to reach agreement as to

1 the need to seal and to minimize the amount of material filed under seal, and explore
2 redaction and other alternatives to filing under seal. LCR 5(g)(3)(A). Further, the party
3 must set forth a “specific statement of the applicable legal standard and the reasons for
4 keeping a document under seal, including an explanation of: (i) the legitimate private or
5 public interest that warrant the relief sought; (ii) the injury that will result if the relief
6 sought is not granted; and (iii) why a less restrictive alternative to the relief sought is not
7 sufficient.” LCR 5(g)(3)(B).

8 Although attorney-client privilege and the work-product doctrine may be
9 “compelling reason[s]” to seal documents, *Lugosch v. Pyramid Co. of Onondaga*, 435
10 F.3d 110, 125 (2nd Cir. 2006), “only in rare circumstances should” an opposition be filed
11 under seal. LCR 5(g)(5). Instead, a party should “redact the confidential information from
12 the ...opposition” and file the unredacted pleading under seal, along with a motion to
13 seal. LCR 5(g)(5)(A)-(B).

14 Here, Plaintiffs argue that there is good cause to seal the amended complaint,
15 opposition brief, and declaration and supporting exhibits in order to protect privileged
16 communications between the parties. However, Plaintiffs incorrectly assert that they have
17 redacted the minimal material needed to oppose Admiral’s motion while preventing
18 potential waiver of privilege. Dkt. # 30. In fact, the only redacted document that that has
19 been filed by Plaintiffs is the Amended Complaint. *See* Dkt. # 30. Both the opposition to
20 Admiral’s motion to dismiss and the supporting declaration and exhibits have been filed
21 under seal in their entirety. *See* Dkt. ## 34, 35.

22 The Court finds the proposed redactions to the Amended Complaint to be
23 reasonable to protect privileged communications between the parties. Here, Plaintiff has
24 requested a less restrictive alternative to sealing entire documents, *see* LCR 5(g)(3)(B),
25 and this request is unopposed. The Court **GRANTS** Plaintiffs’ request as to the Amended
26 Complaint.

1 As to Plaintiffs' request to seal the opposition and supporting declaration and
2 exhibits, this Court must balance Plaintiffs' interest in maintaining the confidentiality of
3 privileged conversations with the right of public access. The sealing of entire documents
4 fails to accomplish this goal and Plaintiffs fail to show why a less restrictive alternative to
5 sealing, such as redaction, is not sufficient to protect privileged communications. *See*
6 LCR 5(g). Therefore, Plaintiffs' request to seal the opposition (Dkt. # 34) and supporting
7 declaration and exhibits (Dkt. # 35) is **DENIED** without prejudice. Plaintiffs may re-file
8 the motion to seal and propose narrowly tailored redactions to the opposition, Agrawal
9 declaration, and exhibits. Plaintiffs shall file any motion to seal containing revised
10 redactions within **fourteen (14) days**. The Clerk shall not unseal any currently sealed
11 documents filed pending further order of this Court.

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13 DATED this 7th day of May, 2024.

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16 The Honorable Richard A. Jones
17 United States District Judge
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